

The rationale supporting an obviousness rejection may be based on common knowledge in the art or "well-known" prior art. The examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art.

...
If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position.

...
When a rejection is based on facts within the personal knowledge of the examiner, the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons. See 37 CFR 1.104(d)(2).

...
A seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution...

37 CFR 1.104(d)(2) states:

When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

Since the Examiner is basing his rejection of claims 1-16, 18, 19, and 21-25 on Official Notice, applicants respectfully request that the Examiner supply an affidavit as required by 37 CFR 1.104(d)(2). If the Examiner refuses to supply an affidavit in support thereof, applicants respectfully request that the Examiner cite a reference in support of his position as required by MPEP Section 2144.03. If the Examiner does not do these things, withdrawal of the rejection is respectfully requested.

As stated in the previous Amendment and as conceded by the Examiner, Voeten fails to teach or suggest "at least one storage medium unit" that "includes a controller selecting

the play mode of the selected information data stored in a respective storage medium unit in accordance with distribution control data," as recited in claim 1

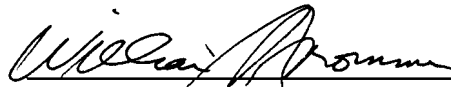
The Examiner has made of record, but not applied, several additional references. Applicants appreciate the Examiner's implicit finding that these references, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event that the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

It is respectfully submitted that all pending claims are in condition for allowance. Accordingly, favorable reconsideration of this case and early issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,
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